

United States Bankruptcy Court  
Western District of New York

IN RE:

Case No. \_\_\_\_\_

Bennett, Scott C & Bennett, Rosemary T

Chapter 7

Debtor(s)

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR**

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept ..... \$ **651.00**

Prior to the filing of this statement I have received ..... \$ **651.00**

Balance Due ..... \$ **0.00**

2. The source of the compensation paid to me was: ☒ Debtor ☐ Other (specify):
3. The source of compensation to be paid to me is: ☐ Debtor ☐ Other (specify):
4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.
- ☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.
5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:
- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
  - b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
  - c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
  - d. ~~Representation of the debtor in adversary proceedings and other contested bankruptcy matters;~~
  - e. [Other provisions as needed]
6. By agreement with the debtor(s), the above disclosed fee does not include the following services:

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

September 24, 2004

Date

/s/ Mark H. Smith, Esq.

Signature of Attorney

Barton & Smith Law Office Mark H. Smith, Esq.

Name of Law Firm

UNITED STATES BANKRUPTCY COURT

NOTICE TO INDIVIDUAL CONSUMER DEBTOR

The purpose of this notice is to acquaint you with the four chapters of the federal Bankruptcy Code under which you may file a bankruptcy petition. The bankruptcy law is complicated and not easily described. Therefore, you should seek the advice of an attorney to learn of your rights and responsibilities under the law should you decide to file a petition with the court. Neither the judge nor the court's employees may provide you with legal advice.

**Chapter 7: Liquidation (\$155 filing fee plus \$39 administrative fee plus \$15 trustee surcharge)\***

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts.
2. Under Chapter 7 a trustee takes possession of all your property. You may claim certain of your property as exempt under governing law. The trustee then liquidates the property and uses the proceeds to pay your creditors according to priorities of the Bankruptcy Code.
3. The purpose of filing a Chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, your discharge may be denied by the court, and the purpose for which you filed the bankruptcy petition will be defeated.
4. Even if you receive a discharge, there are some debts that are not discharged under the law. Therefore, you may still be responsible for such debts as certain taxes and student loans, alimony and support payments, criminal restitution, and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs.
5. Under certain circumstances you may keep property that you have purchased subject to a valid security interest. Your attorney can explain the options that are available to you.

**Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$155 filing fee plus \$39 administrative fee)\***

1. Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their debts but would like to pay them in installments over a period of time. You are only eligible for Chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
2. Under Chapter 13 you must file a plan with the court to repay your creditors all or part of the money that you owe them, using your future earnings. Usually the period allowed by the court to repay your debts is three years, but not more than five years. Your plan must be approved by the court before it can take effect.
3. Under Chapter 13, unlike Chapter 7, you may keep all your property, both exempt and non-exempt, as long as you continue to make payments under the plan.
4. After completion of payments under your plan, your debts are discharged except alimony and support payments, student loans, certain debts including criminal fines and restitution and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs, and long term secured obligations.

**Chapter 11: Reorganization (\$800 filing fee plus \$39 administrative fee)\***

Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision for an individual to file a Chapter 11 petition should be reviewed with an attorney.

**Chapter 12: Family Farmer (\$200 filing fee plus \$39 administrative fee)\***

Chapter 12 is designed to permit family farmers to repay their debts over a period of time from future earnings and is in many ways similar to a Chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family owned farm.

\* Fees are subject to change and should be confirmed before filing.

ACKNOWLEDGEMENT

I, the debtor, affirm that I have read this notice.

Case Number

September 24, 2004

Date

/s/ Scott Bennett

Scott Bennett

/s/ Rosemary Bennett

Debtor

Rosemary Bennett

Joint Debtor, if any

**INSTRUCTIONS:** If the debtor is an individual, a copy of this notice personally signed by the debtor must accompany any bankruptcy petition filed with the Clerk. If filed by joint debtors, the notice must be personally signed by each. Failure to comply may result in the petition not being accepted for filing.

<b>FORM B1</b> <b>United States Bankruptcy Court</b> <b>Western District of New York</b>		<b>Voluntary Petition</b>															
Name of Debtor (if individual, enter Last, First, Middle): <b>Bennett, Scott C</b>		Name of Joint Debtor (Spouse) (Last, First, Middle): <b>Bennett, Rosemary T</b>															
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):		All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names): <b>Rosemary T Ruth</b>															
Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all): <b>8069</b>		Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all): <b>9465</b>															
Street Address of Debtor (No. & Street, City, State & Zip Code): <b>151 W. Center Street</b> <b>Elmira, NY 14901</b>		Street Address of Joint Debtor (No. & Street, City, State & Zip Code): <b>151 W. Center Street</b> <b>Elmira, NY 14901</b>															
County of Residence or of the Principal Place of Business: <b>Chemung</b>		County of Residence or of the Principal Place of Business: <b>Chemung</b>															
Mailing Address of Debtor (if different from street address):		Mailing Address of Joint Debtor (if different from street address):															
Location of Principal Assets of Business Debtor (if different from street address above):																	
<b>Information Regarding the Debtor (Check the Applicable Boxes)</b>																	
<b>Venue</b> (Check any applicable box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.																	
<b>Type of Debtor</b> (Check all boxes that apply) <input checked="" type="checkbox"/> Individual(s) <input type="checkbox"/> Railroad <input type="checkbox"/> Corporation <input type="checkbox"/> Stockbroker <input type="checkbox"/> Partnership <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Other _____ <input type="checkbox"/> Clearing Bank		<b>Chapter or Section of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding															
<b>Nature of Debts</b> (Check one box) <input checked="" type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business		<b>Filing Fee</b> (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.															
<b>Chapter 11 Small Business</b> (Check all boxes that apply) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)																	
<b>Statistical/Administrative Information</b> (Estimates only) <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE IS FOR COURT USE ONLY															
Estimated Number of Creditors <table style="width: 100%; text-align: center;"> <tr> <td>1-15</td> <td>16-49</td> <td>50-99</td> <td>100-199</td> <td>200-999</td> <td>1000-over</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>			1-15	16-49	50-99	100-199	200-999	1000-over	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
1-15	16-49		50-99	100-199	200-999	1000-over											
<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
Estimated Assets <table style="width: 100%; text-align: center;"> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>More than \$100 million</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million										
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										

**VOLUNTARY PETITION**

**United States Bankruptcy Court  
Western District of New York**

**IN RE:**

Case No. \_\_\_\_\_

**Bennett, Scott C & Bennett, Rosemary T**

Chapter **7**

Debtor(s)

**SUMMARY OF SCHEDULES**

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts from Schedules D, E, and F to determine the total amount of the debtor's liabilities.

AMOUNTS SCHEDULED

NAME OF SCHEDULE	ATTACHED (YES/NO)	NUMBER OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	<b>Yes</b>	<b>1</b>	<b>0.00</b>		
B - Personal Property	<b>Yes</b>	<b>3</b>	<b>17,639.00</b>		
C - Property Claimed as Exempt	<b>Yes</b>	<b>1</b>			
D - Creditors Holding Secured Claims	<b>Yes</b>	<b>1</b>		<b>81,680.42</b>	
E - Creditors Holding Unsecured Priority Claims	<b>Yes</b>	<b>1</b>		<b>0.00</b>	
F - Creditors Holding Unsecured Nonpriority Claims	<b>Yes</b>	<b>3</b>		<b>72,579.06</b>	
G - Executory Contracts and Unexpired Leases	<b>Yes</b>	<b>1</b>			
H - Codebtors	<b>Yes</b>	<b>1</b>			
I - Current Income of Individual Debtor(s)	<b>Yes</b>	<b>2</b>			<b>3,210.79</b>
J - Current Expenditures of Individual Debtor(s)	<b>Yes</b>	<b>1</b>			<b>3,342.98</b>
Total Number of Sheets in Schedules		<b>15</b>			
Total Assets			<b>17,639.00</b>		
Total Liabilities				<b>154,259.48</b>	

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Debtor(s)

**SCHEDULE A - REAL PROPERTY**

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a co-tenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, or both own the property by placing an "H" for Husband, "W" for Wife, "J" for Joint, or "C" for Community in the column labeled "HWJC." If the debtor holds no interest in real property, write "None" under "Description and Location of Property".

Do not include interests in executory contracts and unexpired leases on the schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a security interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim".

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	H W J C	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
<b>One Family Home 151 W. Center Street Elmira, NY 14901 TO BE SURRENDERED</b>		<b>J</b>	<b>0.00</b>	<b>72,309.33</b>
<b>TOTAL</b>			<b>0.00</b>	

(Report also on Summary of Schedules)

Debtor(s)

**SCHEDULE B - PERSONAL PROPERTY**

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "X" in the appropriate position in the column labeled "None". If additional space is needed in any category, attached a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H" for Husband, "W" for Wife, "J" for Joint, or "C" for Community in the column labeled "HWJC." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions only in Schedule C - Property Claimed as Exempt.

Do not include interests in executory contracts and unexpired leases on the schedule. List them in Schedule G - Executory Contracts and Unexpired Leased.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property".

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	H W J C	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand.		<b>Cash on Hand</b>	<b>J</b>	<b>50.00</b>
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		<b>Chemung Canal Bank</b> <b>One Chemung Canal Plaza</b> <b>Elmira, NY 14901</b> <b>Checking Account No.: 235022063</b> <b>Visions Credit Union</b> <b>Langdon Plaza</b> <b>Church &amp; Main Street</b> <b>Elmira, NY 14901</b> <b>Savings Account No.: 1044073004</b>	<b>J</b>    <b>J</b>	<b>5.00</b>    <b>29.00</b>
3. Security deposits with public utilities, telephone companies, landlords, and others.	<b>X</b>			
4. Household goods and furnishings, include audio, video, and computer equipment.		<b>DVD Player with 10 DVD's</b>	<b>J</b>	<b>100.00</b>
		<b>Living Room, Dining Room, Den, Kitchen and Bedroom Furniture</b>	<b>J</b>	<b>2,500.00</b>
		<b>One 27" RCA Color Television</b> <b>5 Years Old</b>	<b>J</b>	<b>40.00</b>
		<b>One 42" Color Television</b>	<b>J</b>	<b>750.00</b>
		<b>One Gateway Computer with Printer</b> <b>8 Months Old</b>	<b>J</b>	<b>300.00</b>
		<b>One RCA Camcorder (8 mm)</b> <b>2 Years Old</b>	<b>J</b>	<b>100.00</b>
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		<b>Various Books</b>	<b>J</b>	<b>50.00</b>
6. Wearing apparel.		<b>Clothing for Debtor, Wife and Children</b>	<b>J</b>	<b>300.00</b>
7. Furs and jewelry.		<b>Wedding Rings</b>	<b>J</b>	<b>50.00</b>
8. Firearms and sports, photographic, and other hobby equipment.		<b>12 Gauge Savage Shotgun</b> <b>20 Years Old</b>	<b>H</b>	<b>40.00</b>
		<b>357 Magnum Ruger Handgun</b>	<b>H</b>	<b>300.00</b>
		<b>A70 Express Shotgun</b> <b>14 Years Old</b>	<b>H</b>	<b>100.00</b>
		<b>Baretta 40 Cal. Gun</b>	<b>H</b>	<b>150.00</b>
9. Interest in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	<b>X</b>			
10. Annuities. Itemize and name each issue.	<b>X</b>			
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.	<b>X</b>			

Debtor(s)

**SCHEDULE B - PERSONAL PROPERTY**  
**(Continuation Sheet)**

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	H W J C	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
12. Stock and interests in incorporated and unincorporated businesses. Itemize.	<b>X</b>			
13. Interests in partnerships or joint ventures. Itemize.	<b>X</b>			
14. Government and corporate bonds and other negotiable and non-negotiable instruments.	<b>X</b>			
15. Accounts receivable.	<b>X</b>			
16. Alimony, maintenance, support, and property settlements in which the debtor is or may be entitled. Give particulars.	<b>X</b>			
17. Other liquidated debts owing debtor including tax refunds. Give particulars.	<b>X</b>			
18. Equitable or future interest, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	<b>X</b>			
19. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	<b>X</b>			
20. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	<b>X</b>			
21. Patents, copyrights, and other intellectual property. Give particulars.	<b>X</b>			
22. Licenses, franchises, and other general intangibles. Give particulars.	<b>X</b>			
23. Automobiles, trucks, trailers, and other vehicles and accessories.		<b>1988 Yamaha 1100</b>	<b>H</b>	<b>1,200.00</b>
		<b>1995 Chevrolet 1500 4 Wheel Drive</b>	<b>H</b>	<b>4,000.00</b>
		<b>2000 Ford Windstar</b>	<b>J</b>	<b>7,475.00</b>
		<b>86,000 Miles</b>		
		<b>TO BE REAFFIRMED</b>		
24. Boats, motors, and accessories.	<b>X</b>			
25. Aircraft and accessories.	<b>X</b>			
26. Office equipment, furnishings, and supplies.	<b>X</b>			
27. Machinery, fixtures, equipment, and supplies used in business.	<b>X</b>			
28. Inventory.	<b>X</b>			
29. Animals.		<b>One Pekingese Dog</b>	<b>J</b>	<b>100.00</b>
30. Crops - growing or harvested. Give particulars.	<b>X</b>			
31. Farming equipment and implements.	<b>X</b>			
32. Farm supplies, chemicals, and feed.	<b>X</b>			



**SCHEDULE B - PERSONAL PROPERTY**  
**(Continuation Sheet)**

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	H W J C	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
33. Other personal property of any kind not already listed. Itemize.	<b>X</b>			
<b>TOTAL</b>				<b>17,639.00</b>

0 continuation sheets attached

(Include amounts from any continuation sheets attached.  
 Report total also on Summary of Schedules.)

Debtor(s)

**SCHEDULE C - PROPERTY CLAIMED AS EXEMPT**

Debtor elects the exemptions to which debtor is entitled under:

(Check one box)

☐ 11 U.S.C. § 522(b)(1): Exemptions provided in 11 U.S.C. § 522(d). NOTE: These exemptions are available only in certain states.☒ 11 U.S.C. § 522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTIONS
<b><u>SCHEDULE B - PERSONAL PROPERTY</u></b>			
Cash on Hand	Debtor & Creditor Law § 283	50.00	50.00
Chemung Canal Bank One Chemung Canal Plaza Elmira, NY 14901 Checking Account No.: 235022063	Debtor & Creditor Law § 283	5.00	5.00
Visions Credit Union Langdon Plaza Church & Main Street Elmira, NY 14901 Savings Account No.: 1044073004	Debtor & Creditor Law § 283	29.00	29.00
Living Room, Dining Room, Den, Kitchen and Bedroom Furniture	CPLR § 5205(a)(5)	2,500.00	2,500.00
One 42" Color Television	CPLR § 5205(a)(5)	750.00	750.00
Various Books	CPLR § 5205(a)(2)	50.00	50.00
Clothing for Debtor, Wife and Children	CPLR § 5205(a)(5)	300.00	300.00
Wedding Rings	CPLR § 5205(a)(5)	50.00	50.00
1995 Chevrolet 1500 4 Wheel Drive	Debtor & Creditor Law § 282(1)	4,000.00	4,000.00
One Pekingese Dog	CPLR § 5205(a)(4)	100.00	100.00

Debtor(s)

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**

State the name, mailing address, including zip code and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C," respectively, in the column labeled "HWJC."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITORS NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER. (See instructions above.)	C O D E B T O R	H W J C	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL
Account No. <b>0401070123</b> <b>Chemung Canal Trust Company</b> <b>One Chemung Canal Plaza</b> <b>P.O. Box 1522</b> <b>Elmira, NY 14902</b>		<b>J</b>	<b>First Mortgage On Home</b>				<b>23,912.32</b>
			Value \$				<b>23,912.32</b>
Account No. <b>0633538043</b> <b>Chemung Canal Trust Company</b> <b>P.O. Box 1522</b> <b>One Chemung Canal Plaza</b> <b>Elmira, NY 14902</b>		<b>J</b>	<b>Loan on 2000 Ford Windstar TO BE REAFFIRMED</b>				<b>9,371.09</b>
			Value \$ <b>7,475.00</b>				<b>1,896.09</b>
Account No. <b>City Of Elmira</b> <b>317 E. Church Street</b> <b>Elmira, NY 14901</b>		<b>J</b>	<b>First Time Buyer Award On Home</b> <b>(In order to qualify for \$10,000 grant, homeowner needs</b> <b>to live in home for 10 Years, otherwise it is payable back to</b> <b>the City of Elmira at \$1,000 per year.</b>				<b>2,000.00</b>
			Value \$				<b>2,000.00</b>
Account No. <b>04700007003625</b> <b>The Bank Of New York</b> <b>P.O. Box 6042</b> <b>Mount Vernon, NY 10558</b>		<b>J</b>	<b>Second Mortgage On Home</b>				<b>46,397.01</b>
			Value \$				<b>46,397.01</b>
Account No.							
			Value \$				
Subtotal (Total of this page)							<b>81,680.42</b>
(Complete only on last sheet of Schedule D) <b>TOTAL</b> (Report total also on Summary of Schedules)							<b>81,680.42</b>

0 Continuation Sheets attached

**SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS**

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them or the marital community may be liable on each claim by placing an "H," "W," "J," or "C," respectively, in the column labeled "HWJC."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotal" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Repeat this total also on the Summary of Schedules.

☒ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

**TYPES OF PRIORITY CLAIMS**

(Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2)

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$4,925\* per person earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to a maximum of \$4,925\* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).

☐ **Deposits by individuals**

Claims of individuals up to a maximum of \$2,225\* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6)

☐ **Alimony, Maintenance, or Support**

Claims of a spouse, former spouse, or child of the debtor for alimony, maintenance, or support, to the extent provided in 11 U.S.C. § 507(a)(7).

☐ **Taxes and Other Certain Debts Owed to Governmental Units**

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to Maintain the Capital of an Insured Depository Institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

\* Amounts are subject to adjustment on April 1, 2007, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

0 Continuation Sheets attached

Debtor(s)

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

State the name, mailing address, including zip code and last four digits of any account number of all entities holding unsecured claims without priority against the debtor or the property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C," respectively, in the column labeled "HWJC."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITORS NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
Account No. <b>3723-558569-41016</b> <b>American Express</b> <b>PO Box 360002</b> <b>Fort Lauderdale, FL 33336-0002</b>		<b>J</b>	<b>Consumer Credit To Consolidate Other Credit Cards</b> <b>Date Opened - 2/2004</b>				<b>4,989.33</b>
Account No. <b>4417126396319082</b> <b>Bank One Cardmember Service</b> <b>P.O. Box 15153</b> <b>Wilmington, DE 19886-5153</b>		<b>J</b>	<b>Consumer Credit Consolidatd Credit Cards/Lived On Credit Cards When Debtor Lost Job</b> <b>Date Opened - 1/2003</b>				<b>5,965.57</b>
Account No. <b>6002291706949229</b> <b>Chase Pitkin Gold Plus</b> <b>P.O. Box 23150</b> <b>Rochester, NY 14692</b>		<b>J</b>	<b>Consumer Credit - Credit Card</b> <b>Date Opened - 2001</b>				<b>2,092.63</b>
Account No. <b>5431-5070-3532-5952</b> <b>Chemung Canal Trust Company</b> <b>P.O. Box 1522</b> <b>Elmira, NY 14902</b>		<b>J</b>	<b>Consumer Credit</b> <b>Date Opened - 1998</b>				<b>1,591.35</b>
Account No. <b>6011-7661-0076-9355</b> <b>Gateway Easy Pay Plan</b> <b>Processing Center</b> <b>Des Moines, IA 50364</b>		<b>J</b>	<b>Consumer Credit - Credit Card</b> <b>Date Opened - 1998</b>				<b>551.50</b>
Subtotal (Total of this page)							<b>15,190.38</b>
(Complete only on last sheet of Schedule F) <b>TOTAL</b> (Report total also on Summary of Schedules)							

2 Continuation Sheets attached

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
**(Continuation Sheet)**

CREDITORS NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B T O R	H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
Account No. <b>33828700241</b> <b>J.C. Penney</b> <b>P.O. Box 960001</b> <b>Orlando, FL 32896</b>		<b>J</b>	<b>Consumer Credit - Credit Cards</b> <b>Date Opened - 1999</b>				<b>437.75</b>
Account No. <b>81923330562788</b> <b>Lowes/MCCBG</b> <b>P.O. Box 105980 - Dept. 79</b> <b>Atlanta, GA 30353</b>		<b>J</b>	<b>Consumer Credit - Credit Card</b> <b>Dated Opened - 2001</b>				<b>2,219.32</b>
Account No. <b>74974258073337</b> <b>MBNA America</b> <b>P.O. Box 15137</b> <b>Wilmington, DE 19886-5137</b>		<b>J</b>	<b>Consumer Credit - Credit Card Consolidation</b> <b>Date Opened - 2002</b>				<b>14,402.69</b>
Account No. <b>4264-2948-0639-6976</b> <b>MBNA America</b> <b>P.O. Box 15288</b> <b>Wilmington, DE 19886-5137</b>		<b>J</b>	<b>Consumer Credit - Credit Card</b>				<b>4,910.04</b>
Account No. <b>0535894651</b> <b>Sallie Mae</b> <b>P.O. Box 9500</b> <b>Wilkes-Barre, PA 18773-9500</b>		<b>W</b>	<b>Student Loan</b>				<b>11,373.14</b>
Account No. <b>7714120758558944</b> <b>Sam's Club Personal Credit</b> <b>PO Box 105980</b> <b>Atlanta, GA 30353-5980</b>		<b>J</b>	<b>Consumer Credit - Credit Card</b> <b>Date Opened - 1999</b>				<b>1,449.76</b>
Account No. <b>5121-0750-3093-3209</b> <b>Sears Gold Master Card</b> <b>P.O. Box 182156</b> <b>Columbus, OH 43218-2158</b>		<b>J</b>	<b>Consumer Credit - Credit Card</b> <b>Used For Debt Consolidation</b> <b>Date Opened - 2/2004</b>				<b>2,363.47</b>

Sheet <u>1</u> of <u>2</u> Continuation Sheets attached to Schedule F	Subtotal (Total of this page)	<b>37,156.17</b>
(Complete only on last sheet of Schedule F) <b>TOTAL</b>		
(Report total also on Summary of Schedules)		

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
**(Continuation Sheet)**

CREDITORS NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B T O R	H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
Account No. <b>036075702384</b> <b>Sears Premier Card</b> <b>P.O. Box 182149</b> <b>Columbus, OH 43218</b>		<b>J</b>	<b>Consumer Credit - Credit Card</b> <b>Date Opened - 2000</b>				<b>3,205.32</b>
Account No. <b>104407300</b> <b>Visions Federal Credit Union</b> <b>24 McKinley Avenue</b> <b>Endicott, NY 13760</b>		<b>J</b>	<b>Personal Unsecured Loan</b> <b>Date Opened - 2002</b>				<b>17,027.19</b>
Account No.							
Account No.							
Account No.							
Account No.							
Account No.							
Account No.							

Sheet <u>2</u> of <u>2</u> Continuation Sheets attached to Schedule F	Subtotal (Total of this page)	<b>20,232.51</b>
(Complete only on last sheet of Schedule F) <b>TOTAL</b>		<b>72,579.06</b>
(Report total also on Summary of Schedules)		

Case No. \_\_\_\_\_

## SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests.

State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease.

Provide the names and complete addresses of all other parties to each lease or contract described.

**NOTE:** A party listed on this schedule will not receive notice of the filing of this case unless the party is also scheduled in the appropriate schedule of creditors.

☐ Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE OF OTHER PARTIES TO LEASE OR CONTRACT	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST. STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT.
Jay E. Palmer 250 Nice Drive Elmira, NY 14903	Land Contract on Home at 213 W. 13th Street, Elmira, NY 14903 \$624.58 per month



### SCHEDULE H - CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. In community property states, a married debtor not filing a joint case should report the name and address of the nondebtor spouse on this schedule. Include all names used by the nondebtor spouse during the six years immediately preceding the commencement of this case.

☒ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR

**SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)**

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status <b>Married</b>	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP <b>Daughter</b> <b>Son</b> <b>Son</b> <b>Son</b> <b>Son</b>	AGE <b>17</b> <b>15</b> <b>13</b> <b>11</b> <b>5</b>
EMPLOYMENT:	DEBTOR	SPOUSE
Occupation <b>Correction Officer</b> Name of Employer <b>Chemung County Sheriff's Department</b> How long employed <b>8 Years</b> Address of Employer <b>211 William Street</b> <b>Elmira, NY 14901</b>	<b>Clerk</b> <b>Chemung County Department DSS</b> <b>5 Years Off And On</b> <b>425 Pennsylvania Avenue</b> <b>Elmira, NY 14904</b>	

Income: (Estimate of average monthly income)	DEBTOR	SPOUSE
Current Monthly gross wages, salary, and commissions (pro rata if not paid monthly)	\$ <u>2,860.00</u>	\$ <u>1,584.92</u>
Estimated monthly overtime	\$ _____	\$ _____
<b>SUBTOTAL</b>	<b>\$ <u>2,860.00</u></b>	<b>\$ <u>1,584.92</u></b>
<b>LESS PAYROLL DEDUCTIONS</b>		
a. Payroll taxes and Social Security	\$ <u>451.62</u>	\$ <u>313.13</u>
b. Insurance	\$ <u>60.67</u>	\$ <u>67.17</u>
c. Union dues	\$ _____	\$ _____
d. Other (specify) <u>See Schedule Attached</u>	\$ <u>279.72</u>	\$ <u>61.82</u>
	\$ _____	\$ _____
<b>SUBTOTAL OF PAYROLL DEDUCTIONS</b>	<b>\$ <u>792.01</u></b>	<b>\$ <u>442.12</u></b>
<b>TOTAL NET MONTHLY TAKE HOME PAY</b>	<b>\$ <u>2,067.99</u></b>	<b>\$ <u>1,142.80</u></b>
Regular income from operation of business or profession or farm (attach detailed statement)	\$ _____	\$ _____
Income from real property	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____
Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	\$ _____	\$ _____
Social Security or other government assistance	\$ _____	\$ _____
(Specify) _____	\$ _____	\$ _____
_____	\$ _____	\$ _____
Pension or retirement income	\$ _____	\$ _____
Other monthly income	\$ _____	\$ _____
(Specify) _____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
<b>TOTAL MONTHLY INCOME</b>	<b>\$ <u>2,067.99</u></b>	<b>\$ <u>1,142.80</u></b>

**TOTAL COMBINED MONTHLY INCOME \$ 3,210.79** (Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

**SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)**  
**Continuation Sheet - Page 1 of 1**

	DEBTOR	SPOUSE
Other Payroll Deductions:		
<b>NYS Retirement Loan</b>	<b>143.00</b>	
<b>CORrection Officer Assoc.</b>	<b>50.92</b>	
<b>NYS Retirement Tier 4</b>	<b>85.80</b>	<b>47.56</b>
<b>CSEA Member</b>		<b>14.26</b>

**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

Rent or home mortgage payment (include lot rented for mobile home)	\$ <u>624.00</u>
Are real estate taxes included? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Is property insurance included? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Utilities: Electricity and heating fuel	\$ <u>400.00</u>
Water and sewer	\$ <u>48.20</u>
Telephone	\$ <u>48.00</u>
Other <b>Cellular Phone</b>	\$ <u>63.00</u>
<b>AOL Internet Service</b>	\$ <u>24.90</u>
<b>Cable TV</b>	\$ <u>43.00</u>
Home maintenance (repairs and upkeep)	\$ _____
Food	\$ <u>800.00</u>
Clothing	\$ <u>300.00</u>
Laundry and dry cleaning	\$ <u>50.00</u>
Medical and dental expenses	\$ <u>120.00</u>
Transportation (not including car payments)	\$ <u>150.00</u>
Recreation, clubs and entertainment, newspapers, magazines, etc.	\$ <u>100.00</u>
Charitable contributions	\$ _____
Insurance (not deducted from wages or included in home mortgage payments)	
Homeowner's or renter's	\$ <u>45.00</u>
Life	\$ _____
Health	\$ _____
Auto	\$ <u>166.00</u>
Other _____	\$ _____
_____	\$ _____
_____	\$ _____
Taxes (not deducted from wages or included in home mortgage payments)	
(Specify) _____	\$ _____
_____	\$ _____
_____	\$ _____
Installment payments (in chapter 12 and 13 cases, do not list payments to be included in the plan)	
Auto	\$ <u>180.88</u>
Other _____	\$ _____
_____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____
Payments for support of additional dependents not living at your home	\$ _____
Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$ _____
Other <b>Dog Food</b>	\$ <u>20.00</u>
<b>Haircuts</b>	\$ <u>60.00</u>
<b>Personal Hygiene Products</b>	\$ <u>100.00</u>
_____	\$ _____
_____	\$ _____

**TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)** \$ 3,342.98

**(FOR CHAPTER 12 AND 13 DEBTORS ONLY)**

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

- |   |          |
|---|----------|
| A. Total projected monthly income               | \$ _____ |
| B. Total projected monthly expenses             | \$ _____ |
| C. Excess income (A minus B)                    | \$ _____ |
| D. Total amount to be paid into plan each _____ | \$ _____ |
- (interval)

**DECLARATION CONCERNING DEBTOR'S SCHEDULES**

**DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 16 sheets, and that  
(Total shown on summary page plus 1)  
they are true and correct to the best of my knowledge, information, and belief.

Date: September 24, 2004 Signature: /s/ Scott Bennett  
**Scott Bennett** Debtor

Date: September 24, 2004 Signature: /s/ Rosemary Bennett  
**Rosemary Bennett** (Joint Debtor, if any)

[If joint case, both spouses must sign.]

**CERTIFICATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer

Social Security No.  
(Required by 11 U.S.C. § 110(c).)

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

Signature of Bankruptcy Petition Preparer

Date

*A bankruptcy petition preparer's failure to comply with the provision of title 11 and the Federal Rules of Bankruptcy Procedures may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.*

**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP**

I, the \_\_\_\_\_ (the president or other officer or an authorized agent of the corporation or a member or an authorized agent of the partnership) of the \_\_\_\_\_  
(corporation or partnership) named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of \_\_\_\_\_ sheets, and that they are true and correct to the best of my knowledge, information, and belief.  
(Total shown on summary page plus 1)

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

(Print or type name of individual signing on behalf of debtor)

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

**Penalty for making a false statement or concealing property. Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.**

United States Bankruptcy Court  
Western District of New York

IN RE:

Case No. \_\_\_\_\_

**Bennett, Scott C & Bennett, Rosemary T**

Chapter **7**

Debtor(s)

**STATEMENT OF FINANCIAL AFFAIRS**

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs.

Questions 1-18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19-25. **If the answer to an applicable question is "None," mark the box labeled "None."** If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

*DEFINITIONS*

**"In business."** A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within the six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed.

**"Insider."** The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101.

**1. Income from employment or operation of business**

None ☐ State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE (if more than one)
<b>48,303.00</b>	<b>2002 Adjusted Gross Income</b>
<b>58,759.00</b>	<b>2003 Adjusted Gross Income</b>
<b>31,029.00</b>	<b>2004 Year to Date Income</b>

**2. Income other than from employment or operation of business**

None ☒ State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

**3. Payments to creditors**

None ☐ a. List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within **90 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
<b>Chemung Canal Trust Company</b> <b>P.O. Box 1522</b> <b>One Chemung Canal Plaza</b> <b>Elmira, NY 14902</b>	<b>23rd of every month</b>	<b>188.00</b>	<b>9,371.09</b>

None ☒ b. List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 4. Suits and administrative proceedings, executions, garnishments and attachments

☐ None a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☐ None b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 5. Repossessions, foreclosures and returns

☐ None List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 6. Assignments and receiverships

☐ None a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and joint petition is not filed.)

☐ None b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 7. Gifts

☐ None List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 8. Losses

☐ None List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case**. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 9. Payments related to debt counseling or bankruptcy

☐ None List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under bankruptcy law or preparation of a petition in bankruptcy within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
Mark H. Smith, Esq. 304 E. Church Street Elmira, NY 14901	9/14/2004	651.00

#### 10. Other transfers

☐ None List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 11. Closed financial accounts

☐ None List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, association, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE AND NUMBER OF ACCOUNT AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
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## 12. Safe deposit boxes

- None ☐ List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

## 13. Setoffs

- None ☐ List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

## 14. Property held for another person

- None ☐ List all property owned by another person that the debtor holds or controls.

## 15. Prior address of debtor

- None ☐ If the debtor has moved within the **two years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

## 16. Spouses and Former Spouses

- None ☐ If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the **six-year period** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

## 17. Environmental Information

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law.

- None ☐ a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law.

- None ☐ b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

- None ☐ c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

## 18. Nature, location and name of business

- None ☐ a. If the debtor is an individual, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional within the **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the **six years** immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.



None b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.



*[If completed by an individual or individual and spouse]*

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date: September 24, 2004

Signature /s/ Scott Bennett  
of Debtor

**Scott Bennett**

Date: September 24, 2004

Signature /s/ Rosemary Bennett  
of Joint Debtor  
(if any)

**Rosemary Bennett**

0 continuation pages attached

*Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. § 152 and 3571.*

United States Bankruptcy Court  
Western District of New York

IN RE:

Case No. \_\_\_\_\_

**Bennett, Scott C & Bennett, Rosemary T**

Chapter **7**

Debtor(s)

**CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION**

1. I have filed a schedule of assets and liabilities which includes consumer debts secured by property of the estate.
2. I intend to do the following with respect to the property of the estate which secures those consumer debts:

*a. Property to be Surrendered*

DESCRIPTION OF PROPERTY

CREDITOR'S NAME

One Family Home  
One Family Home  
One Family Home

**Chemung Canal Trust Company**  
**City Of Elmira**  
**The Bank Of New York**

*b. Property to be Retained [Check any applicable statement.]*

DESCRIPTION OF PROPERTY

CREDITOR'S NAME

PROPERTY IS CLAIMED AS EXEMPT	PROPERTY WILL BE REDEEMED PURSUANT TO 11 U.S.C. § 722	DEBT WILL BE RE- AFFIRMED PURSUANT TO 11 U.S.C. § 524(C)
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**2000 Ford Windstar**

**Chemung Canal Trust Company**

✓

**09/24/2004**

**/s/ Scott Bennett**

**/s/ Rosemary Bennett**

Date

**Scott Bennett**

Debtor

**Rosemary Bennett**

Joint Debtor (if applicable)

**CERTIFICATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer

Social Security No.

(Required by 11 U.S.C. § 110(c).)

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

Signature of Bankruptcy Petition Preparer

Date

*A bankruptcy petition preparer's failure to comply with the provision of title 11 and the Federal Rules of Bankruptcy Procedures may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.*

CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

Case 2-04-24138-JCN, Doc 1, Filed 09/24/04, Entered 09/24/04 09:52:03,  
Description: Main Document , Page 26 of 30

United States Bankruptcy Court  
Western District of New York

IN RE:

Case No. \_\_\_\_\_

Bennett, Scott C & Bennett, Rosemary T

Chapter 7

Debtor(s)

**VERIFICATION OF CREDITOR MATRIX**

The above named debtor(s) hereby verify(ies) that the attached matrix listing creditors is true to the best of my(our) knowledge.

Date: September 24, 2004

Signature: /s/ Scott Bennett  
Scott Bennett

Debtor

Date: September 24, 2004

Signature: /s/ Rosemary Bennett  
Rosemary Bennett

Joint Debtor, if any

American Express  
PO Box 360002  
Fort Lauderdale, FL 33336-0002

Bank One Cardmember Service  
P.O. Box 15153  
Wilmington, DE 19886-5153

Chase Pitkin Gold Plus  
P.O. Box 23150  
Rochester, NY 14692

Chemung Canal Trust Company  
P.O. Box 1522  
Elmira, NY 14902

Chemung Canal Trust Company  
One Chemung Canal Plaza  
P.O. Box 1522  
Elmira, NY 14902

Chemung Canal Trust Company  
P.O. Box 1522  
One Chemung Canal Plaza  
Elmira, NY 14902

City Of Elmira  
317 E. Church Street  
Elmira, NY 14901

Gateway Easy Pay Plan  
Processing Center  
DesMoines, IA 50364

J.C. Penney  
P.O. Box 960001  
Orlando, FL 32896

Lowes/MCCBG  
P.O. Box 105980 - Dept. 79  
Atlanta, GA 30353

MBNA America  
P.O. Box 15137  
Wilmington, DE 19886-5137

MBNA America  
P.O. Box 15288  
Wilmington, DE 19886-5137

Sallie Mae  
P.O. Box 9500  
Wilkes-Barre, PA 18773-9500

Sam's Club Personal Credit  
PO Box 105980  
Atlanta, GA 30353-5980

Sears Gold Master Card  
P.O. Box 182156  
Columbus, OH 43218-2158

Sears Premier Card  
P.O. Box 182149  
Columbus, OH 43218

The Bank Of New York  
P.O. Box 6042  
Mount Vernon, NY 10558

Visions Federal Credit Union  
24 McKinley Avenue  
Endicott, NY 13760